

**RULES
OF
TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF EMPLOYMENT SECURITY
BUREAU OF UNEMPLOYMENT INSURANCE
APPEALS TRIBUNAL AND BOARD OF REVIEW**

**CHAPTER 0560-3-2
APPEALS TO THE APPEALS TRIBUNAL**

0560-3-2-.01	Presentation of Appealed Claims	0560-3-2-.04	Adjournments of Hearings
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0560-3-2-.01 PRESENTATION OF APPEALED CLAIMS.

- (1) A party appealing from a decision or order of a deputy may file a notice of appeal with the Labor and Workforce Development Office where the claim was filed or at a Labor and Workforce Development Office convenient to the claimant's residence.
 - (a) Such party files the notice of appeal on the prepared form furnished by the Department of Labor and Workforce Development for such purpose, setting forth the information required.
 - (b) Any letter or other written memorandum, filed by any party with the Department at the appropriate Labor and Workforce Development Office, which indicates the writer's desire to appeal, shall be taken as sufficient notice of appeal within the meaning of this section.
- (2) Seven (7) days before a scheduled hearing before an Appeals Referee, the Department will mail a written notice of the hearing to the claimant and to all other interested parties. The written notice shall specify:
 - (a) the time and place of the hearing,
 - (b) the nature of the hearing,
 - (c) the right of the parties to be represented by counsel,
 - (d) the legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the Tennessee Employment Security Law involved, and
 - (e) the issues involved.

Authority: T.C.A. §§50-7-602 and 50-7- 603. **Administrative History:** Original rule certified May 17, 1974. Amendment filed May 9, 1979; effective June 25, 1979. Amendment filed May 11, 1984; effective August 14, 1984. Repeal and new rule filed January 22, 1996; effective May 30, 1996. Amendment filed May 22, 2001; effective September 28, 2001.

0560-3-2-.02 DISQUALIFICATION OF APPEALS REFEREES.

- (1) No Appeals Referee shall participate in the hearing of any appeal in which such Appeals Referee has an interest.
 - (a) The Board of Review shall hear and decide any challenge to interest of any member of the Appeals Tribunal.

(Rule 0560-3-2-.02, continued)

- (b) The Board of Review may designate an alternate to serve in the absence or disqualification of any Appeal Referee.

Authority: T.C.A. §§50-7-602 and 50-7-603. **Administrative History:** Original rule certified May 17, 1974. Repeal and new rule filed January 22, 1996; effective May 30, 1996. Amendment filed May 22, 2001; effective September 28, 2001.

0560-3-2-.03 DETERMINATION OF APPEALS.

- (1) Repealed.
- (2) Where an appeal was not filed within fifteen (15) days after the mailing of the decision, or on order of the deputy, or in the absence of mailing, within fifteen (15) days after delivery, thereof, a hearing shall be scheduled on the issue of whether there is good cause for delay.

Authority: T.C.A. §§50-7-602 and 50-7-603. **Administrative History:** Original rule certified May 17, 1974. Amendment filed May 9, 1979; effective June 25, 1979. Repealed by Chapter 969; effective July 1, 1984. New rule filed May 11, 1984; effective August 14, 1984. Repeal and new rule filed January 22, 1996; effective May 30, 1996. Amendment filed May 22, 2001; effective September 28, 2001.

0560-3-2-.04 ADJOURNMENTS OF HEARINGS.

- (1) Failure of a party to appear at a hearing shall not result in a decision being automatically rendered against such party.
 - (a) If a party fails to appear at the time a hearing is scheduled, or within 15 minutes thereafter, the Appeals Referee shall proceed with the hearing and shall promptly render a decision on the basis of whatever evidence is properly before such Appeals Referee, unless the Appeals Referee determines that a postponement, continuance or rehearing should be granted in order to secure all the evidence that is necessary for a fair hearing to all parties of interest.
- (2) Any hearing before an Appeals Referee may, and for good cause shall, be postponed or continued upon the request of a party or upon the Appeals Referee's own motion, at any time before the hearing is concluded.
 - (a) The Appeals Referee shall grant a rehearing if good cause is shown, including good cause for not appearing at the scheduled hearing.
 - (b) The Appeals Referee may also order rehearing on the Appeals Referee's own motion for cause.
 - (c) A request for rehearing shall be made as soon as reasonably possible, but in no event later than ten days after the scheduled date of the hearing.
 - 1. A request for rehearing will not prevent the employer's account from being charged for benefits under T.C.A. Section 50-7-304(b)(2)(D).
 - 2. Repealed.
 - 3. Such request must be made in writing.
 - (d) Repealed.

Authority: T.C.A. §§50-7-601, 50-7-602, 50-7-603, and 50-7-604. **Administrative History:** Original rule certified May 17, 1974. Amendment filed May 11, 1984; effective August 14, 1984. Repeal and new rule filed January 22, 1996; effective May 30, 1996. Amendment filed May 22, 2001; effective September 28, 2001.

0560-3-2-.05 RESERVED. (See 0560-3-2-.03)

Authority: T.C.A. §§50-7-601, 50-7-602, and 50-7-603. **Administrative History:** Original rule certified May 17, 1974. Amendment filed October 13, 1978; effective January 29, 1979. Repeal and new rule filed January 22, 1996; effective May 30, 1996. Amendment filed May 22, 2001; effective September 28, 2001.